REMARKS

Claims 1-31 are pending in the application. Claims 1-31 were rejected. Claims 1, 13, 25, and 28 are being amended by the present amendment. No new matter is introduced by way of these amendments.

On page 4 of the previous Office Action in the present application states, "[a]ccordingly, the references supplied by the Examiner in the previous Office Action covers claims 1-28." Based on this statement, it is Applicants' understanding that the rejections as to claims 1-28 correspond to those made in the Office Action mailed May 6, 2004. Specifically, Applicant understands the outstanding rejections to be as follows: claims 1, 2, 6-14, 18-26, and 28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Gillon et al. (U.S. 5,838,927) ("Gillon"), and claims 3-5, 15-17, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gillon in view of Christensen et al. (U.S. 5,555,377) ("Christensen").

Before discussing the specifics of the rejection, Applicants believe a brief description of the present invention as recited in amended claim 1 and the cited references may be useful.

As recited in amended claim 1, Applicants' system includes:

> "selecting a state of data link compression . . . and associating the
> selected state of data link compression with the protocol data unit
> to enable or disable a compression process adapted to compress
> protocol data units in an adaptive manner."

Support for this claim amendment is found in the specification as originally filed at least at page 3, lines 3-5 and page 13, lines 6-10.

In the embodiment discussed at page 13, lines 6 - 10 of the specification as originally filed, if the protocol data unit (PDU) contains data that is generally compressible, a protocol filter sets a state variable to "enable," which enables a compressor to compress the data in the PDU. If the PDU contains data that is not generally compressible, the protocol filter sets the state variable to "disable," which disables the compressor from attempting to compress the PDU.

With regard to the previous paragraph, which was included on page 9, paragraph 6 in the remarks of the Amendment filed August 5, 2004, the Office Action at hand states on page 3, last paragraph, "the features were not previously recited in claim 1 and, therefore, although the

claims are interpreted in light of the specification, the limitations are not read into the claims." In view of this statement, claim 1 is being amended to include the "enable" and "disable" limitations.

In contrast to Applicants' invention as recited in amended claim 1, Gillon provides a system having a continuously running compression stream. The continuously running compression stream receives data when a compression unit in communication with the continuously running compression stream detects a data packet with a content header that indicates that the data is compressible (Col. 5, lines 52-56). As illustrated in FIG. 4B, compression occurs continuously, and not simply at times t1, t2, t3 and t4. Data begins compressing at time t0 as soon as the compression unit determines that the data is compressible. Data continues to be compressed at and between times t0, t1, t2, t3, and t4. By continuously running the compression stream, Gillon is able to avoid inherent latency in data transmission (Col. 6, lines. 26-37).

Moreover, Gillon does not suggest disabling the compression process or providing a mechanism that can disable the compression process. Since Gillon et al.'s compression process cannot be disabled, "associating the selected state of data link compression with the protocol data unit to enable or disable a compression process" as recited in Applicants' claim 1 as now amended would have no effect on the compression process disclosed by Gillon.

Since Gillon does not disclose every limitation of Applicants' claim 1 as amended, Applicants respectfully submit that the rejection under 35 U.S.C. 102(b) as being anticipated by Gillon should be withdrawn.

For at least the same reasons, dependent claims 2 and 6-12 should be allowable under 35 U.S.C. 102(b) against Gillon.

Independent claims 13, 25 and 28 are now amended in a similar manner and should be allowable for similar reasons as described above.

For at least the same reasons, dependent claims 14, 18-24, and 26 should be allowable under 35 U.S.C. 102(b) over Gillon.

Claims 29-30, which were rejected in the previous Office Action under 35 U.S.C. 102(b) as being anticipated by Christensen, now apparently stand rejected along with claim 31 under 35 U.S.C. 103(a) as being unpatentable over Gillon in view of Christensen.

Applicants' claim 29 as previously amended recites, "selectively controlling the state of a compression algorithm based on a protocol-specific header and control information of a protocol data unit to determine compressibility." These claim limitations are similar to the limitations of amended claim 1. That is, "selectively controlling the state of a compression algorithm" can include "enabling and disabling a compression process." Therefore the arguments presented above with respect to Gillon apply.

Further, Christensen provides a system that enables compression based on a predetermined threshold of network activity (Col. 4, lines 52-54). Once the predetermined threshold of network activity has been exceeded, an interrupt is sent to a protocol stack (Col. 4, lines 52-60). The protocol stack then enables compression as a result of the increased network activity. Therefore, Christensen enables compression based on network activity (Col. 5, lines 29-33).

Combining the enabling and disabling compression process disclosed by Christensen (Fig. 5) and the continuously running compression stream of Gillon changes the basic operation of the system disclosed by Gillon. Such a combination would also cause the Gillon system to fail for its particular purpose, as it would require modification of the Gillon system beyond simply replacing its compression process with a compression process that can be enabled and disabled. In particular, (i) Gillon's continuously running compression stream would have to be modified to be discontinuous to account for non-compressible protocol data packets being added to the compression stream (change in basic operation), (ii) Gillon discloses (Col. 5, lines 52-56) that only compressible protocol data packets are added to the compression stream (change in basic operation), (iii) allowing the compression process to be enabled and disabled would add inherent latency to the data transmission (failure for its particular purpose), and (iv) a process that associates states of compression would have to be added to the Gillon system in addition to the Christensen compressor (modification).

Therefore, Applicants respectfully submit that for any one of these reasons, the combination of Christensen and Gillon has not and will not have been suggested by one of skill in the art and the rejection under 35 U.S.C. 103(a) is improper and should be withdrawn.

Combining the process described by Gillon, which monitors a protocol specific header and control information of a protocol data unit, with the compression process of Christensen

would modify the basic operation of Christensen and cause the Christensen system to fail for its particular purpose. Specifically, Christensen solves a problem associated with network activity (col. 5, lines 29-30, "[p]rotocol stack 192 controls compression in response to the network activity monitor routine from device driver 182"). In other words, enabling and disabling a compression process based on header information in a PDU is vastly different from enabling and disabling a compression process based on network activity, as disclosed by Christensen.

Moreover, even if the combination of elements from both systems does not modify the systems beyond their respective disclosures or cause the systems to fail for their particular purposes, Applicants respectfully submit that the combination is merely being made in hindsight by the Examiner himself based only on Applicants' disclosure of the invention as recited in claim 29.

Since neither Gillon nor Christensen, alone or in combination, teach, suggest, or provide motivation for every limitation of Applicants' claim 29 ("selectively controlling the state of a compression algorithm based on a protocol-specific header and control information of a protocol data unit to determine compressibility"), Applicants respectfully submit that the rejection under 35 U.S.C. 103(a) over Gillon in view of Christensen should be withdrawn.

For at least the same reasons described above in reference to claim 29, dependent claims 30 and 31 should be allowable under 35 U.S.C. 103(a) over Gillon in view of Christensen.

Claims 3-5, 15-17, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gillon et al. in view of Christensen et al.

Because these claims depend from the independent claims, the same arguments presented above apply. Since neither Gillon et al. nor Christensen et al., either alone or in combination, teaches, suggests, or provides motivation for the independent claims ("filtering protocol-specific header and control information . . . based on the result of said filtering, selecting a state of data link compression . . . and associating the selected state of data link compression with the protocol data unit to enable or disable a compression process"), dependent claims 3-5, 15-17, and 27 should be allowable under 35 U.S.C. 103(a) against Gillon et al. in view of Christensen et al. for at least the same reasons.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims (claims 1-31) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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